

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DELORES MILLER
24801 Lakeshore Blvd. B116
Euclid, Ohio 44123

Plaintiff,

V.

**ENHANCED RECOVERY
COMPANY, LLC**
c/o Capitol Corporate Services, Inc.
4568 Mayfield Road, Ste 204
Cleveland, Ohio 44121,

Defendant.

) Case No: 1:13-cv-834
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) JURY DEMAND REQUESTED
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) **CIVIL COMPLAINT**
) **(Unlawful Debt Collection Practices)**
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COMPLAINT

PLAINTIFF, Delores Miller (Plaintiff), by her attorneys, KAHN AND ASSOCIATES, L.L.C., alleges the following against DEFENDANT, ENHANCED RECOVERY COMPANY, LLC (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.
3. Because Defendant conducts business in Ohio, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

5. Plaintiff is a natural person who resides in the City of Euclid, Cuyahoga County, Ohio and is allegedly obligated to pay a debt, and Plaintiff is a "consumer" as that term is defined by *15 U.S.C. 1692a(3)*.
6. Pursuant to the definitions outlined in *15 U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
7. Defendant is a Delaware limited liability company and debt collector with an office in Jacksonville, Florida.
8. Defendant uses instrumentalities of interstate commerce or the mails in a business the principal purpose of which is the collection of any debts, and/or regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. Beginning approximately 6 months prior to and continuing into August 2012, Defendant, using telephone number 800.390.7644, placed frequent and excessive collection calls to Plaintiff at telephone number 216.812.7947, seeking payment on an alleged consumer debt.
11. Plaintiff informed Defendant repeatedly that her only source of income was social security disability and that she did not have money to pay the debt. Plaintiff accordingly asked Defendant to stop calling her regarding the debt based upon her inability to pay it.

12. Defendant often called back the day after Plaintiff asked it to stop calling, further seeking to collect the debt. Defendant stated during certain of those times that Plaintiff spoke to someone “different” the day before and that Defendant would continue to call Plaintiff repeatedly until she paid the underlying debt.
13. Under the circumstances, with Defendant not having lawful right to collect against Plaintiff’s social security payments, such continued calls of Defendant were excessive and made with the intent of annoying or harassing the Plaintiff for purposed of coercing payment on the alleged debt.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

14. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692d by engaging in conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.
 - b. Defendant violated §1692d(5) by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.

WHEREFORE, Plaintiff, Delores Miller, respectfully requests judgment be entered against Defendant, for the following:

15. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
17. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, Delores Miller, requests a jury trial in this case.

Respectfully submitted,

KAHN & ASSOCIATES, LLC

/s/ J. Daniel Scharville

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